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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/505,168      | 08/30/2004  | Shigeru Kasai        | 258107US3PCT        | 6673             |

22850 7590 01/16/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

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| EXAMINER |
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MOORE, KARLA A

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1763

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 01/16/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/505,168

**Applicant(s)**

KASAI ET AL.

**Examiner**

Karla Moore

**Art Unit**

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0804</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Japanese Patent No. 10-313041 Tsubone et al.

3. Tsubone et al. disclose a treatment subject receiving vessel body in Figures 1 and 2, comprising: a vessel main body (4), for supporting a plurality of treatment subjects; a joint port (immediately left of 5a in Figure 2) formed at one side surface of the vessel main body and communicating with an interior of the vessel main body and communicating with an interior of the vessel main body; an openable and closeable gate valve (5a) installed at the joint port; and an openable and closeable exhaust port (2) disposed in the vessel main body, wherein the vessel main body becomes sealed airtight when the gate valve and exhaust port are closed.

4. With respect to claim the vessel main body includes an exhaust opening; a vacuum pump connected to the exhaust opening; and a backing space connected to an exhausting side of the vacuum pump, the exhaust port being installed at the backing space (Figure 2).

5. With respect to claim 3, the treatment subject receiving vessel body may be a part of a treating system further comprising: a first transport auxiliary chamber (7 adjacent 3a) having at

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one side thereof a vessel body port (to right of 5b) to which the treatment subject receiving vessel body is connected and having therein a transport arm (16) for transporting a treatment subject; a second transport auxiliary chamber (7 adjacent 3b) having at one side thereof a vessel body port to which the treatment subject receiving vessel body port is connected and having therein a transport arm mechanism (16) for transporting the treatment subject; and a vessel body transfer unit (between a and 3a-3c, see arrows) for transporting the treatment subject receiving vessel body between the first transport auxiliary chamber and the second transport auxiliary chamber.

6. With respect to claim 4, a processing chamber (3a-c) for performing a process on the treatment subject, and wherein the second transport auxiliary chamber is located such that another side thereof is adjacent to the processing chamber and the transport arm mechanism therein is capable of transporting the treatment subject between the processing chamber and the treatment subject receiving vessel body.

7. With respect to claim 7, the common transfer chamber includes a positioning mechanism for performing positioning of the treatment subject.

8. With respect to claim 8, the vessel body port of the first transport auxiliary chamber is provided with an openable and closable gate valve (5c), and the vessel body port of the second transport auxiliary chamber is also provided with an openable and closable gate valve (5c).

9. With respect to claim 9, the first transport auxiliary chamber is provided with a gas exhaust line (via the processing chamber); the second transport auxiliary chamber is also provided with a gas exhaust line (via the processing chamber), a port gas supply line (containing 14 and 15) and a port gas exhaust line (containing 12 and 13) are installed outside the gate valve

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of the vessel body port of the first transport auxiliary chamber; and a port gas supply line (containing 14 and 15) and a port gas exhaust line (containing 12 and 13) are also installed outside the gate valve of the vessel body port of the second transport auxiliary chamber.

10. With respect to claim 10, the first transport auxiliary chamber is provided with a gas supply line and the second transport auxiliary chamber is also provided with a gas supply line (via the processing chamber).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubone et al. as applied to claims 1-4 and 7-10 above in view of Japanese Patent No. 09064144 to Uryu et al.

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14. Tsubone et al. disclose the invention substantially as claimed and as described above.

15. However, Tsubone et al. fail to teach a loading/unloading port onto which a cassette vessel containing a plurality of treatment objects is placed.

16. Uryu et al. teach providing a loading/unloading port (Figure 1, left side of 1) onto which a cassette vessel (11) is provided for the purpose of temporary storage between conveyance to/from the cassette and common transfer chamber (right side of 1) and a processing chamber.

17. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a loading/unloading port in Tsubone et al. along with a common transfer chamber for the purpose of temporary storage between conveyance to/from the cassette and to/from the combined transfer chamber and processing chamber as taught by Uryu et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karla Moore whose telephone number is 571.272.1440. The examiner can normally be reached on Monday-Friday, 9:00 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571.272.1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karla Moore  
Primary Patent Examiner  
Art Unit 1763  
8 January 2006